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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Christopher F. Weight

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EXAMINER

FABER, DAVID

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/848,705	Applicant(s) WEIGHT, CHRISTOPHER F.	
	Examiner DAVID FABER	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-20, 22-24 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-20, 22-24 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/29/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment and the Information Disclosure Statement filed on 29 October 2008.
2. Claims 1, 12, and 20 have been amended.
3. Claims 6, 21, and 25-38 have been cancelled by the Applicant.
4. Claim 39 has been added.
5. The rejection of Claims 25-33, under 35 USC 101, has been withdrawn as necessitated by the amendment. The rejection of Claims 1, 3-26, 28-38 under 35 U.S.C. 103(a) as being unpatentable over Fields et al. (hereinafter Fields), U.S. Patent No. 6,128,655 issued October 2000, in view of Matsumoto et al. (hereinafter Matsumoto), U.S. Patent No. 6,763,334 filed 12/9/1999 and issued July 2004, and in view of Runge et al. (hereinafter Runge), U.S. Publication Number 2002/0016735, published February 2002, provisional filing date of June 26, 2000, has been withdrawn as necessitated by the amendment. The rejection of Claims 2, 27 under 35 U.S.C. 103(a) as being unpatentable over Fields, in view of Matsumoto and Runge, as applied to claims 1 and 25 above, and further in view of Bernardo et al. (hereinafter Bernardo), U.S. Patent No. 6,247,032 issued June 2001, has been withdrawn as necessitated by the amendment.
6. Claims 1-4, 7-20, 22-24, and 39 pending. Claims 1, 12, 20, and, 39 are independent claims.

Information Disclosure Statement

7. The information disclosure statement (IDS) submitted on 29 October 2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-4, 7-20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. (hereinafter Fields), U.S. Patent No. 6,128,655 issued October 2000, in view of Matsumoto et al. (hereinafter Matsumoto), U.S. Patent No. 6,763,334 filed 12/9/1999 and issued July 2004, and in view of Runge et al. (hereinafter Runge), U.S. Publication Number 2002/0016735, published February 2002, provisional filing date of June 26, 2000 in further view of Wildfire ("FTP Tutorial: Using FTP Explorer") published early as of 16 December 2000, pages 1-5.

In regard to independent claim 1, Fields teaches a host Website accepting (retrieving) new content from a plurality of Web content provider locations, the content

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retrieved intended to be ultimately reformatted as necessary and displayed on a Web page (Fields column 2 lines 36-51; compare with claim 1 “*A method comprising:*”, and “*retrieving content from a plurality of content providers, wherein the retrieved content is to be displayed in at least one Web page;*”)

Fields teaches a host enacting a “filter policy” (i.e. a schema file) for a particular Web content provider’s submission format for parsing specific content (i.e. validating licensing, accepting specific ads, etc.) (Fields column 10 lines 23-37). Fields does not specifically teach verifying via comparison of a data structure of the retrieved content with a data structure defined in a schema file. However, Fields teaches an agreed on set of tags, said tags can be special embedded tags identifying content areas. Fields also teaches said tags can be formalized as an XML document type definition (DTD) (Fields column 12 lines 30-44). Since a DTD can be interpreted as a form of schema file used for defining tags, etc. (i.e. data structures) as explained above, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply said DTD as a part of Fields’s filter policy for verifying the format of retrieved content, providing the benefit of a well formed and concise final document (compare with claim 1 “*verifying the structure and syntax of the retrieved content...in a schema file*”).

Fields teaches rejecting content if content portions do not match the specific policy for a provider’s content format (i.e. if said policy dictates a publishers ads are not to be passed through, said ad content is deemed invalid, and is rejected, or at the very least, the ad is edited out of the content) see Fields column 10 lines 27-32; compare with claim 1 “*rejecting particular content if the particular content format is not valid:*”).

Fields teaches if a host Web site deems content is valid via adherence to its specific policy, said content is reformatted and displayed in a Web site accordingly (e.g. ad banners, etc) (see Fields column 8 lines 45-55, also ad banner item 313 – Figure 4B). Fields does not specifically teach scheduling said content for publishing at a scheduled time. However, Matsumoto teaches arranging delivery of advertisements over the Internet, whereby an ad banner campaign is negotiated for a start and end period of time of published ads accordingly (Matsumoto Abstract, column 5 lines 12-22, 55-67, column 6 lines 1-8, especially column 7 lines 1-8, also Figure 3 item 23, and Figure 5 – “Campaigning Period” and “Copy and Layout of advertisement”). It is noted that the scheduled inputted start/end period of time can be reasonably interpreted as start/end time “attributes” associated with the ad, and that said ad is published between said scheduled start/end times, after which said ad is removed accordingly (compare the above with claim 1 “*scheduling the particular content....displayed by a Web server.*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Matsumoto to Fields, providing Fields the benefit of providing for publishing scheduled banner ad campaigns (e.g. to Fields’s Figure 4B banner ad), pending agreement and policy approval, therefore facilitating sales.

Fields does not specifically teach a database for storing media content, was well as periodically searching said database. However, the claimed “database” would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing

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the benefit of an orderly arrangement of searchable content. In addition, since Matsumoto teaches selling and scheduling of Internet advertisements (Matsumoto at least Abstract), it would have been obvious to one of ordinary skill in the art at the time of the invention to store pending updated advertisements in a repository (i.e. Fields's database), so that periodic searching for advertisements scheduled for various times can commence and applied to a daily or weekly advertising Web page (i.e. a periodic Web newsletter, CNN Web page, or Fields's Web page, etc.), providing Fields the benefit of increased organization of pending ads.

Fields and Matsumoto disclose the media content comprising actual media content, and scheduling information (as disclosed above); however, fail to specifically disclose contact information associated with the actual media content. However, Runge discloses contact information, such as an email address, that is includes or incorporates the address in the advertisement (content). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Runge to Fields, providing Fields the benefit of providing a contact for potential customers to request more information while the seller has the ability to remain anonymous while responding to multiple inquires. (compare the above with claim 1 "*the media content comprising actual media content, scheduling information, and contact information....*")

Fields, Matsumoto, and Runge fail to specifically publish the matching media content in a file folder. However, Wildfire discloses the ability to publish files onto the web by placing the files into a folder of the user's choice using a software application. It would have been obvious to one of ordinary skill in the art at the time of the invention to

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apply Wildfire to Fields, providing Fields the benefit of publishing files onto a web server and kept in a customized organized fashion. Furthermore, Fields, Matsumoto, Runge, and Wildfire fail to specifically disclose the file folder comprising the scheduled date and time. However, Wildfire discloses the ability for the user to name a created folder or rename a existing folder. Therefore, it would have been obvious to one ordinary skill in art to name the folder based on the content/files or information associated with the content/files residing within the folder since it would have provided the benefit of indicating to the user what folder contains or is about without the user wasting additional time searching through the folder to determine the contents of the folder. Therefore, the user can name the folder based on the scheduled name and time of associated files stored in the folder. Thus, in conjunction with Fields, Matsumoto, Runge and Wildfire, the cited references discloses the ability for the matching media content to be displayed at its scheduled time wherein the content is published into a folder that is named by the user to correspond to the content's scheduled data and time to be displayed. (compared to claim 1 *"publishing the matching media content in a file folder, the file folder comprising the scheduled date and time...displaying..."*)

In regard to dependent claims 3, 4, Fields teaches automatically updating content on a Web page, which involves replacing (deleting the old content) with new content (Fields column 2 lines 52-54).

Claim 7 incorporates substantially similar subject matter as claimed in claim 1, and is rejected along the same rationale.

In regard to dependent claims 8, Fields teaches XML (Fields column 7 lines 57-62, column 12 lines 4-9).

In regard to dependent claims 9, 10, 11, claims 9-11 incorporate substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale. Fields teaches a schema and definition file in the form of a filter and filter database (Fields column 7 lines 55-65). Fields also teaches a hard drive (Fields Figure 7 item 726).

In regard to independent claim 12, claim 12 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale. Furthermore, Fields discloses if the content from the content provider is new or not. (Col 6, line 64 - Col 7, line 15; Col 7 lines 32-65)

In regard to dependent claims 13, 14, 15, claims 13, 14, 15 incorporate substantially similar subject matter as claimed in claims 8, and 1, and are rejected along the same rationale.

In regard to dependent claims 16, 17, 18, 19, claims 16, 17, 18, 19 incorporate substantially similar subject matter as claimed in claims 1, 3, 7, 11, respectively, and are rejected along the same rationale.

In regard to independent claim 20, claim 20 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

In regard to dependent claims 22, 23, 24, claims 22, 23, 24 incorporate substantially similar subject matter as claimed in claims 1, 1, 1, 11, respectively, and are rejected along the same rationale.

10. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al. (hereinafter Fields), U.S. Patent No. 6,128,655 issued October 2000, in view of Matsumoto et al. (hereinafter Matsumoto), U.S. Patent No. 6,763,334 filed 12/9/1999 and issued July 2004, and in view of Runge et al. (hereinafter Runge), U.S. Publication Number 2002/0016735, published February 2002, provisional filing date of June 26, 2000.

In regard to independent claim 39, Fields teaches a host Website accepting (retrieving) new content from a plurality of Web content provider locations, the content retrieved intended to be ultimately reformatted as necessary and displayed on a Web

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page (Fields column 2 lines 36-51; compare with claim 1 “*A method comprising:*”, and “*retrieving content from a plurality of content providers, wherein the retrieved content is to be displayed in at least one Web page;*”)

Fields teaches a host enacting a “filter policy” (i.e. a schema file) for a particular Web content provider’s submission format for parsing specific content (i.e. validating licensing, accepting specific ads, etc.) (Fields column 10 lines 23-37). Fields does not specifically teach verifying via comparison of a data structure of the retrieved content with a data structure defined in a schema file. However, Fields teaches an agreed on set of tags, said tags can be special embedded tags identifying content areas. Fields also teaches said tags can be formalized as an XML document type definition (DTD) (Fields column 12 lines 30-44). Since a DTD can be interpreted as a form of schema file used for defining tags, etc. (i.e. data structures) as explained above, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply said DTD as a part of Fields’s filter policy for verifying the format of retrieved content, providing the benefit of a well formed and concise final document (compare with claim 1 “*verifying the format of the retrieved content...in a schema file*”).

Fields teaches rejecting content if content portions do not match the specific policy for a provider’s content format (i.e. if said policy dictates a publishers ads are not to be passed through, said ad content is deemed invalid, and is rejected, or at the very least, the ad is edited out of the content) see Fields column 10 lines 27-32; compare with claim 1 “*rejecting particular content if the particular content format is not valid:*”).

Fields teaches if a host Web site deems content is valid via adherence to its specific policy, said content is reformatted and displayed in a Web site accordingly (e.g. ad banners, etc) (see Fields column 8 lines 45-55, also ad banner item 313 – Figure 4B). Fields does not specifically teach scheduling said content for publishing at a scheduled time. However, Matsumoto teaches arranging delivery of advertisements over the Internet, whereby an ad banner campaign is negotiated for a start and end period of time of published ads accordingly (Matsumoto Abstract, column 5 lines 12-22, 55-67, column 6 lines 1-8, especially column 7 lines 1-8, also Figure 3 item 23, and Figure 5 – “Campaigning Period” and “Copy and Layout of advertisement”). It is noted that the scheduled inputted start/end period of time can be reasonably interpreted as start/end time “attributes” associated with the ad, and that said ad is published between said scheduled start/end times, after which said ad is removed accordingly (compare the above with claim 1 “*scheduling the particular content....displayed by a Web server.*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Matsumoto to Fields, providing Fields the benefit of providing for publishing scheduled banner ad campaigns (e.g. to Fields’s Figure 4B banner ad), pending agreement and policy approval, therefore facilitating sales.

Fields does not specifically teach a database for storing media content, was well as periodically searching said database. However, the claimed “database” would have been obvious to one of ordinary skill in the art at the time of the invention, because Fields teaches a filter database (Fields column 7 lines 55-65) which suggests a database for storing content data along with data used in the content analysis, providing

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the benefit of an orderly arrangement of searchable content. In addition, since Matsumoto teaches selling and scheduling of Internet advertisements (Matsumoto at least Abstract), it would have been obvious to one of ordinary skill in the art at the time of the invention to store pending updated advertisements in a repository (i.e. Fields's database), so that periodic searching for advertisements scheduled for various times can commence and applied to a daily or weekly advertising Web page (i.e. a periodic Web newsletter, CNN Web page, or Fields's Web page, etc.), providing Fields the benefit of increased organization of pending ads.

Fields and Matsumoto fail to specifically creating a multi-level directory structure associated with the scheduled time. However, Wildfire discloses, using a software application, the ability to create a folder/directory within the initial directory (such as within the "/pub" folder) to publish files in that results in a multi-level directory structure. (Pages 2-3) It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Wildfire to Fields, providing Fields the benefit of creating folders/directories in order to keep files in a customized organized fashion with a simple ease of use. Furthermore, Fields, Matsumoto, and Wildfire fail to specifically disclose the directories associated with the scheduled time. However, Wildfire discloses the ability for the user to name a created folder or rename an existing folder. Therefore, it would have been obvious to one ordinary skill in art to name the folder based on the content/files or information associated with the content/files residing within the folder since it would have provided the benefit of indicating to the user what folder contains or is about without the user wasting additional time searching through the folder to

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determine the contents of the folder. Therefore, the user can name the folder based on the scheduled name and/or time of associated files stored in the folder. Thus, in conjunction with Fields, Matsumoto, and Wildfire, the cited references discloses the ability for the matching media content to be displayed at its scheduled time wherein the content is published into a folder that is named by the user to correspond to the content's scheduled data and time to be displayed.

Response to Arguments

11. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Arguments addressing in regards of the new limitations of Claims 1, 12, and 20 brought forth in the amendment of *publishing the matching media content in a file folder, the file folder comprising the scheduled date and time* has been viewed the new ground of rejection of 35 USC 103(a) under new references using Wildfire.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 7 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David Faber/
Examiner, Art Unit 2178

	/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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